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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ATLANTIC-PACIFIC PROCESSING
SYSTEMS, INC., a California corporation,

Plaintiff,

vs.

DERMAKTIVE, LLC, a Florida limited liability
company; JORDAN DUFNER, a Connecticut
resident; ADAM WELLINGTON, a Connecticut
resident; JOE HELEWA, a New York resident;
UPSURGE, LLC, a Delaware limited liability
company; UPSURGE MEDIA GROUP, LLC, a
Delaware limited liability company; WIDO,
LLC, a Delaware limited liability company,
DENIS BETSI, an Ontario, Canada resident; T1
PAYMENTS, LLC, a Nevada limited liability
company; and DONALD KADSON, a Nevada
resident,

Defendants.

DERMAKTIVE, LLC, a Florida limited liability
company; and JORDAN DUFNER, a
Connecticut resident,

Counter-Plaintiffs,

v.

ATLANTIC-PACIFIC PROCESSING
SYSTEMS, INC., a California corporation,

Counter-Defendant.

CASE NO. 2:16-CV-00739-JAD-PAL

**STIPULATION AND [PROPOSED]
ORDER RE DEFENDANTS DONALD
KASDON AND T1 PAYMENTS LLC'S
EMERGENCY MOTION TO QUASH
SUBPOENAS DUCES TECUM AND FOR
PROTECTIVE ORDER [DKT. 121] AND
SUPPLEMENT TO EMERGENCY
MOTION TO QUASH SUBPOENAS
DUCES TECUM AND FOR
PROTECTIVE ORDER [DKT. 122].**

Defendants T1 PAYMENTS LLC and DONALD KASDON (the “T1 Parties”), and, Plaintiff ATLANTIC-PACIFIC PROCESSING SYSTEMS, INC. (“APPS”), Defendants DERMAKTIVE, LLC, JORDAN DUFNER, and specially appearing Defendants ADAM WELLINGTON, UPSURGE, LLC, UPSURGE MEDIA GROUP, LLC, and WIDO, LLC (the “DermActive Defendants”) (all parties hereto collectively the “Parties”), by and through their respective counsel, hereby agree as follows and submit the following Stipulation and [Proposed] Order by and through their counsel, and hereby agree to the following recitals in resolution of Defendants Donald Kasdon and T1 Payments LLC’s Emergency Motion to Quash Subpoenas Duces Tecum and for Protective Order [Dkt. 121] and Supplement thereto [Dkt. 122].

RECITALS

WHEREAS, On December 7, 2017, counsel for the T1 Parties was notified for the first time by counsel for APPS that Subpoenas Duces Tecum were issued to Vantiv, LLC; Network Merchants, LLC; and Payvision (collectively, the “Subpoenas”);

WHEREAS, On December 8, 2017, counsel for the T1 Parties sent an Objection Letter to the Subpoenas.

WHEREAS, On December 8, 2017, Kory L. Kaplan, Esq. (“Mr. Kaplan”), counsel for the T1 Parties, and Catherine A. Close, Esq. (“Ms. Close”), counsel for APPS, met and conferred.

WHEREAS, On December 8, 2017, Donald Kasdon and T1 Payments LLC filed an Emergency Motion to Quash Subpoenas Duces Tecum and for Protective Order [Dkt. 121].

WHEREAS, On December 11, 2017, the T1 Parties filed a Supplement to their Emergency Motion to Quash Subpoenas Duces Tecum and for Protective Order [Dkt. 122].

WHEREAS, On December 14, 2017, APPS filed a Response to the T1 Parties’ Emergency Motion to Quash Subpoenas Duces Tecum and for Protective Order [Dkt. 125].

WHEREAS, Between December 18, 2017 and December 20, 2017, Mr. Kaplan and Ms. Close “met and conferred” again and were able to come to an agreement as outlined in this stipulation.

...

1 tecum, redact if necessary, and provide a privilege log to Ms. Close by January 15, 2018.

2 However, if the documents are voluminous, the Parties agree in good faith to allow an additional
3 reasonable amount of time for the T1 Parties to review and redact, if necessary.

4 3. If APPS has any objections to the redactions by the T1 Parties, if any, the T1
5 Parties will submit the unredacted documents to the Court for an in camera review and both
6 Parties may submit further briefing in support of their positions.

7 **IT IS SO STIPULATED.**

8 DATED this 27th day of December, 2017

9 JULANDER, BROWN & BOLLARD

10
11 By /s/ Dirk O. Julander
12 DIRK O. JULANDER
13 *Pro Hac Vice*
14 9110 Irvine Center Drive
15 Irvine, California 92618
16 Tel. (949) 477-2100

17 *Attorneys for Plaintiff and Cross-Defendant*
18 *Atlantic-Pacific Processing Systems, Inc*

19 DATED this 27th day of December, 2017

20 LARSON, ZIRZOW & KAPLAN

21 By /s/ Kory L. Kaplan
22 KORY L. KAPLAN
23 850 E. Bonneville Ave.
24 Las Vegas, NV 89101
25 Tel. (702) 382-1170
26 *Attorney for Donald Kasdon*
27 *and T1 Payments LLC*
28

ORDER

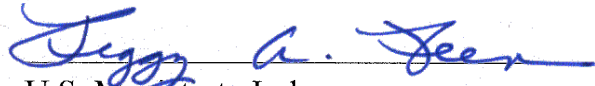
Based on the foregoing Stipulation and good cause appearing, it is hereby ORDERED as follows:

1. The Hearing on Donald Kasdon and T1 Payments' Emergency Motion to Quash Subpoenas Duces Tecum and for Protective Order [Dkt. 121] and Supplement thereto [Dkt. 122], currently scheduled for January 16, 2018, is vacated, with the Parties to each bear their own attorneys' fees and costs;

2. The T1 Parties will review the documents responsive to the subpoenas duces tecum, redact if necessary, and provide a privilege log to Ms. Close by January 15, 2018. However, if the documents are voluminous, the Parties agree in good faith to allow an additional reasonable amount of time for the T1 Parties to review and redact, if necessary.

3. If APPS has any objections to the redactions by the T1 Parties, if any, the T1 Parties will submit the unredacted documents to the Court for an in camera review and both Parties may submit further briefing in support of their positions.

IT IS SO ORDERED.


U.S. Magistrate Judge

Date: January 4, 2018